



107 Rec'd PCT/PTO 13 MAR 2006 CT

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application for Clough      Dated: March 10 2006  
Serial No.: 10/551,894 ✓      Art Unit:  
Filed: 3 March 2004      Examiner:  
For: Improved method of Resistance      Action: Information  
Management for Transgenic Crops      Disclosure  
  
To: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

### TABLE OF CONTENTS FOR INFORMATION DISCLOSURE

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5. Copies of documents disclosed
6. Postcard

## REMARKS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:	Patent Application for Clough	Dated:	March <u>10</u> 2006
Serial No.:	10/551,894	Art Unit:	
Filed:	3 March 2004	Examiner	
For:	Improved method of Resistance Management for Transgenic Crops	Action:	Information Disclosure

## REMARKS

The documents identified on the attached for PTO-1449 have come to the attention of the undersigned in connection with the subject application. Copies of these documents are also attached, unless otherwise indicated below, and it is respectively requested that they be made of record in this proceeding. The identification of these documents is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. 1.56 and is not intended to be an admission that any of these documents constitute prior art as to the invention disclosed in the subject application.

## U.S. PATENT

6,501,009	Romano
6,338,040	Buman, et al
5,640,804	Driver, et al

## FOREIGN PATENTS

WO 02/136009	Regents of the University of California
EP 0 400 246	Van Mellaert, et al
WO 96/08136	Treetech Management et al
WO 01/92561	Purdue Research Foundation
WO 02/13609	Regents of the University of California
WO 03/060463	Purdue Research Foundation

## REFERENCES

<u>Author</u>	<u>Title</u>
WHALON	Bacillus thuringiensis: Use and Resistance management
ROUSH	Two-Toxin strategies for management of insecticidal transgenic crops: Can pyramiding success where pesticide mixtures have not
FRUTOS	Managing insect resistance to plants producing Bacillus thuringiensis toxins
	Bacillus thuringiensis Cry2Ab2 protein and the genetic material necessary for its production in cotton fact sheet
CAPRIO	Evaluating resistance management strategies for multiple toxins in the presence of external refuges
HUNT	Resistance management for European corn borers and Bt transgenic corn: refuge design and placement
ROUSH	Bt-transgenic Crops: just another pretty insecticide or a chance for a new start in resistance management?
DANG	Greenhouse Tests on Resistance Management of Bt Transgenic Plants Using Refuge Strategies
SAYYED	Inheritance of resistance to Bt canola in a field-derived population

Respectfully submitted,



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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the attached Information Disclosure is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner for Patent, PO Box 1430, Alexandria, VA 22313-1430, on this 10 day of March, 2006.

Leanne Hanta J

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Substitute for form 1449/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet 1 of 2

<i>Complete if Known</i>	
Application Number	10/551894
Filing Date	10/4/05
First Named Inventor	Clough
Art Unit	
Examiner Name	
Attorney Docket Number	050-3-1

## U.S. PATENT DOCUMENTS

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**FOREIGN PATENT DOCUMENTS**

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Foreign Patent Document Country Code <sup>2</sup> /Number <sup>4</sup> "Kind Code" <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
JS.F./		WO 02/13609	02/21/2002	Regents of the Univ of CA	1-26
		EP 0 400 246	12/05/1990	Van mellaert, et al	1-26
		WO 96/08136	03/21/1996	Treetech Management, et al	1-26
		WO 01/92561	12/06/2001	Purdue Research Foundation	
		WO 02/13609	02/21/2002	Regents of the Univ of CA	
JS.F./		WO 03/060463	07/24/2003	Purdue Research Foundation	1-3,5,6,11-15, 20-23

Examiner Signature	/Shanon Foley/	Date Considered	03/07/2010
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter the Office that issued the document, by the two-letter code (WIPO Standard of Document S3). For Japanese patent documents, the indication of the year of the patent office must precede the serial number of the patent code. <sup>4</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup>Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

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Application Number	10/551,894
Filing Date	10/04/2005
First Named Inventor	Clough
Art Unit	
Examiner Name	

Attorney Docket Number 050-3-1

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
/S.F./		WHALON, Chapter 7: <i>Bacillus thuringiensis: Use and Resistance management</i> ; 1998, pgs 106-107	
		ROUSH, Two-toxin strategies for management of insecticidal transgenic crops: Can pyramiding success where pesticide mixtures have not?", Oct 29, 1998, pgs 1777-1786	
		FRUTOS, Managing insect resistance to plants producing <i>Bacillus thuringiensis</i> toxins, September 1999, pgs 227-276	
		<i>Bacillus thuringiensis</i> Cry2Ab2 protein and the genetic material necessary for its production in cotton fact sheet; US Environmental Protection Agency, 12/2002	
		CAPRIO, Evaluating resistance management strategies for multiple toxins in the presence of external refuges, Journal of Economic Entomology, 10/1998, pgs 1021-1031	
		HUNT, Resistance management for European corn borer and Bt transgenic corn: refuge design and placement, Nebraska Cooperative Extension, 10/2002	
		ROUSH, Bt-transgenic Crops: just another pretty insecticide or a chance for a new start in resistance management?, 1997, Pestic.Sci., pgs 328-334	
▼		DANG, Greenhouse Tests on Resistance Management of Bt Transgenic Plants Using Refuge Strategies, 2001, J.Econ. Entomol., pgs 240-247	
/S.F./		SAYYED, Inheritance of resistance to Bt canola in a field-derived population, 2003, Pest Management Science, pgs 1197-1202	

Examiner Signature	/Shanon Foley/	Date Considered	03/07/2010
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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